

Current Class: CONFIDENTIAL
Current Handling: n/a

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ACTION SCT-02

INFO	LOG-00	ADS-00	AID-00	INR-07	SS-00	EB-00	NSCE-00
	ARA-00	NSAE-00	COME-00	SSO-00	L-03	NRCE-00	TRSE-00
	PM-10	PA-01	FAAE-00	CCO-00	INRE-00	CA-02	USSS-00
	USIE-00	JUSE-00	FBIE-00	OC-02	DOEE-00	M-01	FAIM-01
	DS-01	P-02	T-01	/033 W			

-----366747 012122Z /63

P 012124Z DEC 88
FM AMEMBASSY BOGOTA
TO SECSTATE WASHDC PRIORITY 1562
INFO SECDEF WASHDC PRIORITY
USCINCSO QUARRY HEIGHTS PM
AMEMBASSY CARACAS
AMEMBASSY QUITO
AMEMBASSY LIMA
AMEMBASSY LA PAZ
CIA WASHDC
DIA WASHDC

RELEASED IN FULL

C O N F I D E N T I A L BOGOTA 17988

SOUTHCOM FOR POLAD

E.O. 12356: DECL: OADR
TAGS: PTER, PINS, PGOV, CO
SUBJECT: PRESIDENT BARCO ISSUES ANTI-TERRORISM DECREE

REF: A) BOGOTA 1343; B) BOGOTA 17705

1. (U) ON NOVEMBER 30, PRESIDENT BARCO ISSUED
MODIFICATIONS TO THE JANUARY 1988 COUNTER TERRORISM
DECREES (REF A) WHICH MANDATE AUTOMATIC LIFE SENTENCES
FOR THOSE MEMBERS OF "ILLEGAL ARMED GROUPS" FOUND
GUILTY OF MURDER. THE DECREE ALSO PROHIBITS BAIL OR
PROVISIONAL LIBERTY FOR THOSE BEING PROCESSED BY THE
PUBLIC ORDER TRIBUNALS CREATED IN THE JANUARY DECREES,
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AND PROVIDES FOR IMMEDIATE SUSPENSION OF SENTENCES OF
THOSE WHO TURN STATE'S EVIDENCE, RATHER THEN REDUCED
SENTENCES AS THE ORIGINAL DECREES HAD MANDATED. THE
MINISTER OF JUSTICE IS ALSO EMPOWERED TO CHANGE VENUE

Current Class: CONFIDENTIAL

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: JOHN L MILLS
DATE/CASE ID: 28 APR 2004 200400772

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FOR ANY CASE WHERE THE JUDGE OR JURY IS THREATENED. JURIES WILL BE ELIMINATED IN ALL TRIALS FOR MURDER COMMITTED DURING AN ACT DEFINED IN THE JANUARY DECREES AS "TERRORISM." THERE IS NO MENTION IN THE DECREE OF ADDED RESOURCES FOR THE ARMED FORCES AS WAS ANNOUNCED IN BARCO'S NOVEMBER 25 SPEECH (REF B).

2. (C) COMMENT: THE BEEFED-UP ANTI-TERRORISM DECREE IS THE GOC REACTION TO THE RECENT SEGOVIA MASSACRE, THE ATTEMPT ON THE LIFE OF DEFENSE MINISTER GUERRERO PAZ, AND ONGOING GUERRILLA ATTACKS, AND THE COUNTERATTACKS OF PRIVATE ARMED GROUPS. THE DECREE TAKES EFFECT IMMEDIATELY. HOWEVER, THE SUPREME COURT WILL AUTOMATICALLY REVIEW THESE MEASURES, AND WILL DELIVER A RULING ON THEIR CONSTITUTIONALITY WITHIN 20 DAYS. DESPITE WIDESPREAD POLITICAL SUPPORT FOR THE MEASURES, IN THE LEGALISTIC COLOMBIAN JUDICIAL MENTALITY ALL ARE CONSTITUTIONALLY QUESTIONABLE AND COULD EASILY BE OVERTURNED. EVEN IF THE LIFE SENTENCE MEASURE PASSES REVIEW, IT IS NOT LIKELY TO HAVE MUCH EFFECT SINCE SO FEW PERPETRATORS ARE ACTUALLY TRIED AND CONVICTED. THE DIFFERENCE BETWEEN THE PREVIOUS MAXIMUM PENALTY OF 30 YEARS AND LIFE WILL LIKELY NOT, AT ANY RATE, PRODUCE ANY EXTRA DETERRENT VALUE FOR MASS MURDERERS.
MCNAMARA

POLDOC #5499 ###

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